

From: Matthew Fore [mailto:matthewfore@hotmail.com]
Sent: Monday, June 05, 2006 3:14 PM
To: Garcia, Bobbie
Cc: matt@sanbenitoco.org
Subject: Regulatory Permit Package A Comments

Dear Ms. Garcia,

Thank you for the opportunity to comment on the proposed "Regulatory Package A" regulations. The rural counties of the Southcentral LEA Roundtable commend the Board on the process by which these regulations were developed. However, several provisions are of great concern to us. The first pertains to the additional requirements for public noticing and informational meetings. While we support inclusion of public comment in the decision-making process, based upon our experience with AB 1497 hearings, we believe that the additional requirements are unnecessarily burdensome when compared to the perceived benefits derived.

Noticing the public requires the LEA to compose, translate, post and publish the notice and in many cases, to hold a meeting. These tasks, while seemingly innocuous, are extremely time consuming for small LEAs. This burden would be even heavier if the noticing/hearing requirements were expanded beyond AB 1497 to include the additional facility and permit types contained in the proposed regulations. Several rural LEAs have conducted AB 1497 hearings thus far. Public turnout has been dismal ranging from zero to only a couple of attendees.

The Southcentral LEA Roundtable would support additional public noticing for new full Solid Waste Facilities Permits only, and only in two limited circumstances. First, if the CEQA hearing for the project occurred more than one year prior to the LEA deeming the permit application complete and correct. Second, if local interest in the project warranted additional noticing or meetings. For example, if a project were appealed from the Planning Commission level to a higher local governing authority such as the Board of Supervisors.

While we oppose additional noticing, the Southcentral Roundtable does support the decision tree for determining whether a proposed action constitutes a significant change. The tree provides the best process for defining a significant change while preserving LEA discretion.

Finally, the draft regulations propose to shift the responsibility for notifying operators of notification and standardized tier operations of an upcoming permit review. While this shift may seem insignificant, again, it represents another complicated task for small, rural LEAs to track. The CIWMB has demonstrated its acumen at managing databases and tracking time critical tasks through its work on the SWIS database and the Inventory of Violators of State Minimum Standards. We therefore request that the CIWMB retain the notification duty currently outlined in the existing regulation.

Thank you for your consideration of these comments. Please feel free to contact me via email at matt@sanbenitoco.org or by phone at 831-636-4035 should you have any questions or need any additional information.

Sincerely,

Matt Fore, REHS
San Benito County LEA
Chair, SouthCentral LEA Roundtable